



# TECHNICAL ADVISORY COMMITTEE (TAC)

## Meeting Minutes

July 27, 2004 9:30 a.m. – 2:45 p.m.

MSRC Office  
Concord, California

### Attendance:

Stephen Ricks	Matt Rezvani	Joan Lundstrom	R. Mitchel Beauchamp	Ellen Faurot-Daniels
Linda Sheehan	Ken Leverich	Linda Scourtis	Gary Gregory	Laurelea Williams
Charles White	Ryan Todd	Scott Schaefer	Megan Walton	Marguerite Diaz
Jonna Mazet	Bud Leland	William Bass	Joy Lavin-Jones	Mike Ziccardi

The July 27, 2004 meeting of the Oil Spill Technical Advisory Committee (TAC), at the MSRC Office, Concord, California, was called to order at 9:30 a.m. – Stephen Ricks, Chairperson, presiding.

### **I. COMMENCEMENT/INTRODUCTIONS**

**STEPHEN RICKS (CHAIRPERSON)/TAC**

Stephen Ricks provided us safety and logistics information of the MSRC office. Tour of MSRC facility will be given after lunch. Stephen Ricks requested everyone to introduce themselves. Turned over to Bud Leland

### **II. WELCOME/GENERAL ANNOUNCEMENTS**

**CARLTON MOORE**

Welcome from Bud Leland

- Navy spill: July 27, 2004, San Diego spill of approximately 2,000-3,000 gals. diesel from a vessel into the water. OSPR has six people working the incident and it is pretty well contained. On Coronado side of the channel in an area which is military jurisdiction – although it is State waters. Anticipate most of cleanup will be completed within a couple of days, and there is very little wildlife impact.
- BC Task Force Annual Meeting:
  - Annual Report (copies) provided to TAC. The BC Task Force has started a places of refuge initiative to look at the questions that need to be asked when a ship becomes disabled. Up-to-date website has copies of the report as well. Jack Barfield is the contact person in the state of Washington. Raw data is still being provided.
  - Annual Legacy Award: Recognizes individuals, industries, and companies. Joan Lundstrom was a recipient of this award as a contributing citizen. Congratulations! Joan Lundstrom was asked to step in as the Chair for the Harbor Safety Committee and accepted.
- Recognition: Jonna Mazet honored by OSPR for her contributions. Jonna was presented with a framed resolution for her accomplishments.
- State Budget: A tentative agreement was reached on July 26, 2004.
- California Performance Review (CPR): OSPR is waiting to see what the CPR will do, not much information.
- National Harbor Safety Convention: OSPR is looking at sponsoring this conference in February 2005.
- Department of Finance: OSPR has contracted with DOF to do the audit. Mainly to listen and try to meet the industry reps, may be contacting members and agency reps. for interviews.
- Announcement about Carl's position. Carl Moore has been officially appointed the Administrator, but has to receive confirmation.

### **III. APPROVAL OF THE MINUTES**

**STEPHEN RICKS (CHAIRPERSON)/TAC**

Suggested corrections: spelling of Sherrer (Sher); correct date of next meeting to October 19; and correct legislative bill reference. Mitch Beauchamp moved for approval of the minutes with corrections. Joan Lundstrom seconded, unanimously approved.

### **IV. AGENCY REPORTS**

**CCC/BCDC/SLC**

#### **California Coastal Commission:**

- Area Committees: Near completion of their updates for the Area Plans. Many of those Area Committees working on revisiting sensitive sites and updating strategies, as necessary. Central Coast is the last one to do this. Central Coast will be doing a drill on a cruise ship in September 2004 from the LA/LB area where the cruise line is based - Celebrity Cruise Ship Company is sponsoring the drill. Scenarios have not been decided on.
- Legislation: Scrambling to meet all the objectives of the legislation and contracts (staffed at 50% level). Only partly funded by OSPR for program.
- Contingency Plan Reviews: Not doing this time around -- hoping minor updates to plan. Involved more with Dispersant policy.

#### **State Lands Commission:**

Report provided.

- Personnel: Budget is in a freeze on hiring. Losing people to OSPR on a fairly steady rate. Now that the freeze has been lifted, may be able to fill soon.
- Monitoring is down about 20 percent. Due to personnel issues have not been able to meet 25 percent. Transfer operations are slowly declining in number; however, slow and steady increase in the volume of oils transferred.
- MOTEMS: Review resulted in a decision that MOTEMS is a building standard – SLC needed to go through a different regulatory process through the Building Standards Commissions (BSC). Public Hearings were held – only received on comment from Western States Petroleum Association with concerns that it hardens marine oil terminals and provides extra protection for one small piece of overall oil transportation system and would like to see a comprehensive policy developed by the State dealing with maritime and oil transportation. Energy Commission is working on a policy -- statement does not support the regulations at all. SLC meeting scheduled for August at which

time they should approve MOTEMS, then it will go to the BSC. The BSC has scheduled a meeting in September to discuss MOTEMS. If adopted, published in October, approximately six months later MOTEMS will be in effect.

- Otter Program: Did not get positions to run this program. Numbers are a collection of numbers provided from responsible parties quarterly who moves oil from Sacramento to LA or terminal in between has to provide information according to the law. SLC will be looking for trends (other areas, countries).
- Prevention First (September 14-15, 2004): What is the protocol to attend the Prevention First 2004? OSPR does not pay for Prevention First, industry responsible to register and pay fee, members of the TAC fee may be reduced to \$100. Bud will check on the TAC.

### **SF Bay Conservation and Development Commission:**

- Harbor Safety Committee Workgroup: Completed Sharing the Bay video - finished a full color brochure to recreational boaters. PORTS system in need of continuing funding and the committee is now to focus on this task. Will provide a status report on the PORTS system for the next meeting. The system works with acoustic doppler profilers that basically are on the bottom of the Bay, they sense the current moving in a number of depths the profiler will provide data. There is about five in the Bay.
- Tug Escort Workgroup: Following legislation on proposed optional tug escorts for chemical tankers. SB 1480 has been moving from Senate Resources, to Assembly, and came out of Assembly Natural Resources. Workgroup attempted to define hazardous cargo; however, felt they did not have the expertise. SF HSC decided to continue opposition to the bill. Tug escort brought back to the Harbor Safety Committee who decided to continue their opposition to the Bill because of the very broad definition. If the bill goes through, defining hazardous cargo, tug escorts stop in the Carquinez Straits. DFG has an official opposed position on the bill.

### **V. BIENNIAL TAC REPORT**

**STEPHEN RICKS**

Subcommittee to be formed. Need comments and review on draft report.

- Bylaws were completed.
- Funding for OSPR still active.
- Tar balls spills take off.
- Dispersants active.
- Spill cleanup costs take off.
- Crude oil lightering operations active.
- Cruise ship discharges active.
- Add: discussion on escorts for dangerous cargos, Applied Technologies - monitoring illegal discharges at sea, LNG issue, Canadian radar, Audit by Department of Finance, Luckenbach fewer occurrences, monitoring for future mystery spills attributable to sunken vessels which may leak
- Future: Identify future issues
- Add: Communications example - SIOSC does the committee want to be active. The TAC is working with OSPR on coordination with the SIOSC. Many issues that the TAC addresses other agencies address as well. Bring in other agencies to TAC meetings.
- How can TAC help the other agencies to bring back funding. A lot of the committees are accommodating the funding.
- Review audit and make recommendations on the audit.
- Add: Sensitive Sites; Places of Refuge -- the States BC Task Force is taking the lead.
- Add: Homeland Security - will hear more MTSA which will impact the way we respond to spills, dangerous cargos, monitoring of discharges out of sea, cruise ship discharges, and LNG issue.

### **VI. LNG UPDATE**

**RYAN TODD**

Presentation provided explaining the controversy on the LNG issue (statutes, application of State law, etc.).

- The Lempert-Keene-Seastrand Act (Act) defines "oil". SLC and OSPR take a different stance on whether LNG is defined as oil as it applies to their respective mandates under the Act. There have been discussions on whether the Governor would be willing to support legislation to clarify the definition of oil; but, at this time, there will not be any legislation. SLC's definition comes from the Public Resources Code and OSPR's definition comes from the Government Code, but the language is exactly the same.
- OSPR would treat LNG vessels as non-tank vessels; SLC would treat LNG as oil at the marine terminal.
- Both offshore and onshore LNG projects are being proposed, each at varying stages of development. The offshore projects are considered "deepwater ports", covered federally by the Deepwater Ports Act. (BHP Billiton; Crystal Energy). The DPA allows for the nearest adjacent state law to apply at the deepwater port even if the project is beyond state waters. The MARAD and the USCG will work together to create the operating permit for each project. However, the Governor will have an opportunity to provide state conditions to MARAD/USCG, which must be included in the operating permit. The SLC is the state lead agency for the CEQA/NEPA process for the current offshore projects.
- The Port/City of Long Beach is the lead state agency for the current LNG project in the Port of Long Beach. (SES Mitsubishi)
- The CA Energy Commission and FERC are in a legal dispute about the jurisdiction of CEC over these projects. This will likely be heard in court.
- There is a workgroup of State agencies coordinating LNG issues. OSPR and SLC are represented on the workgroup.

**VII. LEGISLATION**

**BUD LELAND**

- SB 1480: Offers an option to the Administrator for tug escorts on vessels that are carrying cargo that are a public health and safety risk if released into the environment.
- AB 1408: Gives authority to OSPR to evaluate pipelines and do a report. This bill will require immediate notification, strengthens the procedures and requires notification to be made to OSPR and OES. Bill has been amended so that the State Fire Marshall will do the evaluation and report. OSPR is not opposing.
- SB 1742 (Omnibus Bill) – Gives grant authority for the Environmental Enhancement Fund, extends marine waters to Stockton and Sacramento, allows the HSCs to petition the Administrator for the establishment of at-large membership positions and authorizes the Administrator to define HSC geographic regions. Currently in Assembly Appropriations.
- AB 2388: Would require someone from ILWU local 68 to be placed on the Harbor Safety Committee in Los Angeles. The Committee strongly opposing and OSPR is working on an official opposition as well. SB 1742 has language that would allow the establishment of any number of at-large positions.

**VIII. REGULATIONS**

**JOY LAVIN-JONES**

- LNG: OSPR believes we can clarify legislative intent on LNG. No official approval to move forward. LNG is tied to the Petroleum industry - it is flammable, it burns, doesn't explode, but there is a perspective for taxing it as oil. It does seem a little premature to fix the regulations. This should go through Legislation first. If approved through Legislation, the funding source would be from OSPAF. No one was in favor of addressing statutorily. Industries' position is to get all agencies in support of this.
- Tug Escort: Port Hueneme cleanup of regulations to match remedies of other regulations and provide a timeframe for retesting of tugs.

**IX. DISPERSANT UPDATES**

**YVONNE ADDASSI**

Presentation on dispersant use policy for waters off the California Coast:

- Each of the six Area Committees were tasked with providing a recommended policy for dispersant use with zone of operation, which have been approved by the Regional Response Team.
  - Risk matrix developed ranking species/habitat based on relative risk
  - Do not have pre-approval for the marine sanctuaries.

Mexico supports California. Dispersants are illegal in Mexican waters. Oregon does not allow dispersant use within 3 miles. No pre-approvals in Oregon or Washington. Alaska has problems because of the coldness of their water.

- Dispersant Plan: Under the auspices of the Los Angeles North Area Committee, the Plan is drafted and developed. The Plan is statewide. This particular document has everything to make a decision even if you did not have experience using dispersants (includes a FOSC Pre-Approval Checklist to assist in the decision making). The plan has been reviewed by each area committee, who provided comments in April, has been tested during the SONS exercise, is currently being updated to incorporate changes, and the final draft should be completed and forwarded to the Regional Response Team in the Fall.

**X. VIDEO ON SHARING THE BAY**

**XI. OLD/NEW BUSINESS**

- *Suggested Agenda Items for next meeting*
  - CPR
  - Sensitive Sites/Places of Refuse
  - Legislative changes needed for the coming year
- *Date and Location of 2004 meetings*
  - October 19, 2004 – San Diego (call Captain of the Port to arrange conference room/Matt Rezvani to setup vessel tour at NASSCO). Week prior contact Matt to give names of attendees.

**ADJOURN**